IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SUSAN CHANG, AS NEXT FRIEND OF ALISON CHANG, A MINOR, AND JUSTIN HO-WEE WONG,	§ § § §	
Plaintiffs,	§	CA No. 3:07-cv-1767
V.	§ §	
VIRGIN MOBILE PTY LTD.,	§ §	
Defendant.	§ §	

APPENDIX IN SUPPORT OF DEFENDANT VIRGIN MOBILE (AUSTRALIA) PTY LTD.'S OPPOSITION TO PLAINTIFFS' MOTION FOR THIRD EXTENSION TO FILE AN OPPOSITION ON DEFENDANT'S MOTION TO DISMISS

Excerpts of Graham Milne Deposition on April 23, 2008 APP 1 - 4

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on the 14TH day of May 2008, I electronically filed the foregoing "Appendix in Support of Defendant Virgin Mobile (Australia) Pty, Ltd.'s Opposition to Plaintiffs' Motion for Third Extension to File Opposition on Defendant's Motion to Dismiss" with the Clerk of Court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISON

SUSAN CHANG, as Next Friend of Alison Chang, a minor, And Justin Ho-Wee Wong	)	
Plaintiffs	)	Cause No. 3:07-CV-01767
v.	)	
Virgin Mobile Pty Ltd	)	
Defendant	)	

Pursuant to Rule 30(b)(6),
Federal Rules of Civil Procedure

VIDEOTAPED VIDEOCONFERENCE
DEPOSITION OF GRAHAM MILNE

Taken at: Baker & McKenzie
Level 27, AMP Centre
50 Bridge Street
Sydney, NSW, 2000
Australia

On: Wednesday, April 23, 2008 at 8.18am

Reporter: Judith White, JP 184396

MR ZEHL: How is that - I'll restate it in several parts.

Q. A Virgin Mobile subscriber uses the Optus network to speak with somebody; is that correct?

A. Can you be specific about the location of the Virgin Mobile subscriber?

Q. If a Virgin Mobile subscriber is in Australia and he places a call from Australia, is that call routed over the Optus network?

A. Yes, it is.

Q. Is that true regardless of where the call goes? Does it originally start on the Optus network if the customer is in Australia?

A. Yes, it does.

Q. Okay. Which company owns the infrastructure that the calls are routed over? I - I know you said it's Optus's network. Is there one particular company that owns that - that network?

A. There are a number of different systems that are involved in making - making a call, so it's routed through Optus's infrastructure, it's also routed through some Virgin Mobile infrastructure. So what - what specific area?

Q. Okay. Okay. Without Optus's infrastructure, though, a Virgin Mobile customer cannot place a call from Australia; is that correct?

A. That is correct, yes.

Q. Okay. If a Virgin Mobile customer places a call to the United States, for example, would the call still originate on Optus's network?

A. Yes, it would.

Q. And is there a way, based on your experience, for you to determine or estimate which network the call would transfer over to if the Virgin Mobile customer was calling the United States from Australia?

A. I don't have visibility of - of where it goes out with the Optus network. I have a level of understanding of how the call is routed through the Optus network, but I don't understand what happens after it leaves the Optus network.

Q. Okay. Does Optus - does that Optus network - is it - does it - is it, in effect, over a certain geographical territory? In other words, does it only work in Australia or does it work in other countries as well? Can you tell me?

A. Optus network is - is deployed only in Australia is my understanding, and it interacts with other networks through network equipment.

Q. Now, does the destination - let me repeat - let me state this more succinctly. Does the location of the

Optus Networks works with other telecommunications companies located outside of Australia?
A. I - I don't know the answer to that question.
Q. Based on your experience, for a Virgin Mobile customer to place a call outside of Optus's network, does there need to be some type of relationship with another telecommunications provider for that call to be routed properly?
MR HAWKINS: Object. Form.
THE WITNESS: From my understanding of - of the networks, then there will be a gateway out of Optus to international companies, but that's as far as my knowledge goes.
BY MR ZEHL:
Q. So once it leaves Optus's network and goes into the gateway, depending on where the recipient of the call is located, it will go into a new international network; is that correct?
MR HAWKINS: Object. Form.
THE WITNESS: That is my understanding.
BY MR ZEHL:
Q. Okay. Do you understand the roaming process?
A. Yes, I do.
Q. Okay. If somebody from another country comes to Australia and they're not a Virgin Mobile customer and they place a call, will that call - is it possible that that call gets routed through the Optus network?
MR HAWKINS: Object. Form.
THE WITNESS: I'm not aware of how subscribers from other countries would get routed through the Optus network or not. I - I've got no awareness of that.
BY MR ZEHL:
Q. Can you tell me what you understand about the roaming process as it applies to a Virgin Mobile customer?
A. Certainly. We - we can allow some of our customers to roam in other countries, and we do that by sending certain information through to the Optus network to indicate that this customer is allowed to roam. I understand that when, then, customers are abroad, if they have a handset that's compatible with the network that - that they are roaming in, they would be able to - to roam on that - that network.
Q. Okay. If they are roaming, will their call originate off of the Optus network?
A. No, it will not.
Q. So when they are roaming, their call will initiate or - or start out on the network wherever they're located; is that right?
A. That is correct.

roaming on their network or not.
Q. Okay. Does Virgin Mobile pay Optus Networks for utilising its network?
A. We are - we are charged for using their network, yes.
Q. And does Optus charge Virgin Mobile for using the network; is that correct?
A. That's correct.
MR HAWKINS: Object. Form.
THE WITNESS: I understand that Optus charge us for using --
BY MR ZEHL:
Q. And does Virgin Mobile --
A. I understand --
Q. Go ahead. I'm sorry.
A. I understand that Optus charges for - for using their network. I'm not sure which Optus company charges us.
Q. Does Virgin Mobile then have to pay for using the network?
MR HAWKINS: Object. Form.
THE EXAMINEE: Yes, there are charges that are associated with using the Optus infrastructure.
BY MR ZEHL:
Q. Okay. Do you - but you are unsure which Optus network Virgin Mobile pays for using the network?
MR HAWKINS: Object. Form.
THE WITNESS: Can you repeat the question?
BY MR ZEHL:
Q. Do you know the name of the Optus company that Virgin Mobile pays for using the network?
A. I don't, no.
MR HAWKINS: Object. Form.
BY MR ZEHL:
Q. Okay. How does Virgin Mobile generate revenue? How does it make money?
A. It charges - we charge our customers for providing services.
Q. Okay. What kind of services?
A. Telecommunication services, broadband --
MR HAWKINS: Object. Form.
THE WITNESS: Mobile broadband services.
BY MR ZEHL:
Q. Okay. Who collects the payments from Virgin Mobile customers?
A. Virgin Mobile does.
Q. Okay. Are you familiar with how much Optus charges Virgin Mobile to use its network?
A. No, I am not.
Q. Are you certain that Optus charges